



Norway's International
Climate and Forest Initiative
(NICFI)

Consultancy on tree seed sector policy analysis

Back-to-Office Report

March 2018

TECHNICAL

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Provision of Adequate Tree Seed Portfolios (PATSPO)

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Background

This is a back-to-office report on a task carried out for the Provision of Adequate Tree Seed Portfolios (PATSPo) project. It is a report on an initial scoping mission that took place between 5th – 9th March 2018. The findings are based upon visits to and discussions/interviews in institutions around Addis Ababa (see Annex I), some limited fact checking as was possible and previous and subsequent desk research. Unfortunately, two planned visits did not happen. It was impossible to visit the regional seed centre in Sebeta as a result of civic unrest in Oromia. The planned visit to the Ministry of Agriculture and Natural Resources did not take place because the staff of the relevant directorate were on a week's meeting outside of Addis Ababa.

Although my ToR did not call for any specific recommendations at this time, some needs for reform and change are becoming evident, so I have included some recommendations for discussion.

Legislation

Agricultural seed policy in Ethiopia dates back to an original 1992 seed policy followed by the establishment of the National Seed Industry Agency through Proclamation No. 56/1993. Later, the Seed Proclamation No. 206/2000 brought seed policy up to date covering all aspects of the seed system including import and export. Current seed policy is covered by Proclamation No. 782/2013.

None of the seed regulations that are in place specifically mention tree seed. The 2013 proclamation defines seed as “true botanical seed, bulbs, tubers, cuttings, rhizomes, roots, seedlings or any other plant propagating material intended for planting”. While this could in principle cover tree seed, the proclamation deals with commercial seed production as applicable to annual field crops. The proclamation specifically exempts from its coverage farm-saved seed and exchange of seed among land users.

In summary, there is no legislation in Ethiopia specifically covering tree seed except phytosanitary regulation and import/export regulation.

Phytosanitary regulations in Ethiopia are based on the Plant Quarantine Council of Ministers Regulation No 4/1992. This lays down the basis for issuing phytosanitary import and export certificates and specifically covers seeds as well as other plant materials. Plant health and quarantine have been the responsibility of ministries of agriculture since 1992, as the ministries went through various structures, and now come under the Plant Health

and Regulatory Directorate General of the Ministry of Agriculture and Natural Resources (MoANR). Unfortunately, I was unable to visit the ministry during my scoping mission because staff of the relevant directorate were engaged in a week long meeting outside of Addis Ababa. However, I can find no legislation that particularly affects tree seed movement, and currently moving, importing and exporting tree seed appears to follow standard regulations under which details of a consignment are provided in order to obtain a phytosanitary certificate and inspectors can intervene to ensure that the consignment is free of pests and diseases and if necessary order destruction or treatment. I can find no information on restricted or prohibited seed of any tree species, but not having been able to discuss this directly with MoANR staff, this still needs to be confirmed.

A new forest act is being prepared and the proclamation has been drafted. The original “Forest Development Conservation and Utilization Policy and Strategy, Ministry of Agriculture and Rural Development, undated” is still a valid document. It says very little about tree seeds, except one bullet under the heading of “strategy” that states that one element of strategy is to “Ensure that individuals, associations or organizations have access to seeds or seedlings on a fair price basis from governmental and non-governmental sources”. It is a quite conventional document that recognizes only state and private ownership of forests. The new draft Forest Development Conservation and Utilization Proclamation (Proclamation currently unnumbered/2017: supersedes Forest Development, Conservation and Utilization Proclamation No 542/2007) updates forest policy greatly, and recognizes private forest ownership, community forest ownership, association forest ownership and state forest ownership. It does not specifically mention tree seed for forest planting, but lists as a right of community forest owners to “utilize, transact and add value on forest products in accordance with their management plan”. This would include trees seed. In addition, it states as a community right to “get professional, technical, inputs support and legal services until they are able to rely on their self-generated income “. This sets the groundwork for profitable participation in the trees seed value chain, with opportunities to receive technical support for the development of tree seed businesses.

International

Ethiopia is a party to the International Plant Protection Convention (IPCC) under which the country has a number of reporting obligations. However, the IPCC website shows only rudimentary reporting and no details of international commitment. The IPCC publishes International Standards for Phytosanitary Measures (ISPM). ISPM 38 on the International Movement of Seed (2017) was modified during preparation to refer to tree seeds. However, the references are minor and the standard is a set of guidelines and would not present any obstacles to import or export of tree seeds into or out of Ethiopia.

Ethiopia is a party to the United Nations Convention on Biodiversity (UNCBD) and to the convention’s Nagayo Protocol on Access and Benefit Sharing. It has complied with the convention’s requirements through the establishment of institutional arrangements for implementation. (See “Institutions” below). Ethiopia has legislated for access to genetic

resources and community knowledge and community rights through Proclamation No. 482/2006 and Regulation No. 169/2009.

The International Treaty on Plant Genetic Resources for Food and Agriculture (often known as the “International Seed Treaty”) hardly deals with tree species. Breadfruit and *Prosopis* (*spp. affinis, alba, chilensis, nigra and pallida*) are the only true tree species listed as regulated under the multilateral system. Ethiopia has ratified the treaty and is a contracting partner, but has not provided the treaty with any report on implementation.

Institutions

In the absence of specific legislation on tree seed, the implementation of broader policy that affects tree seed is in practice vested in the operations of institutions acting under various forms of government legislation. Despite the Ministry of Agriculture’s overall responsibility for crop seed, all tree seed issues are handled within the forest sector. PATSPO is reviewing the entire tree seed sector, so the following is a very brief overview of the institutional landscape presented simply to indicate where policy decision and policy-related decisions are made.

The latest restructuring of government institutions that impinges on tree seeds is about three years old and entailed the establishment of the Ministry of Environment, Forests and Climate Change (MEFCC). Legislative responsibility for forest-related issues lies within the Directorate General for Policy Law and Standardised Research and Development of the ministry. The Ethiopian Environment and Forest Research Institute is the research arm of MEFCC, and its regional research centres are specifically engaged in seed provision. The Central Ethiopian Environment and Forest Research Centre (CEEFRCC) lies at the heart of this system. It has a federal mandate to collect, process, store and distribute tree seed, most of which goes to MEFCC’s tree planting operations.

In addition to the federal seed system, there is a seed centre in each of four regions located in: Mekelle, Hawassa, Bahir Dar and Sebeta, three of which are functioning with Mekelle yet to become operational. The Southern Nation, Nationalities and Peoples Regional Seed Centre is located in Hawassa. It operated under the MEFCC regional structure, and is mandated to collect, process and distribute seed at no charge, especially to woreda agricultural offices. The Amhara Regional Seed Centre is located at Bahir Dar. It is part of the Amhara Forest Enterprise, and is a public/private enterprise that supports itself on a commercial basis. The Dima Seed Enterprises is located in Sebeta and is part of Oromia Forest and Wildlife Enterprise. It is also a public/private enterprise that operates on commercial lines. When Mekelle becomes fully functioning it will not be a parastatal public/private enterprise, but will operate under the relevant MEFCC regional structure. I understand that all regional seed centres were created 3-4 years and have been equipped through a Japan International Cooperation System (JICS) project. Unfortunately, I was unable visit the seed centre in Sebeta due to instructions from ILRI

security not to travel to Oromia during a period of civil unrest.

The private sector is widely involved in buying and selling tree seed. Companies vary in size and competence and although often effective are essentially unregulated. I understand that communities are usually involved only in collecting seed for government or private contractors under instructions and for wages.

Conserving biodiversity in Ethiopia is devolved to the Ethiopian Biodiversity Institute (EBI). The EBI is the joint National Focal Point for the UN Convention on Biodiversity (UNCBD) and the National Focal Point for the Nagayo Protocol on access and benefit sharing. Among other duties of EBI, the Genetic Resources Transfer and Regulations Directorate have responsibility for regulating the movement of genetic resources, including tree seeds. The Institute therefore has its own limited tree seed collection system involved in collecting processing and distributing seed for conservation purposes. It is also responsible for regulating access to genetic material and facilitating benefit sharing for communities whose intellectual and physical property rights are used by others for profit. The EBI has a record of following best practices under the International Treaty on Plant Genetic Resources for Food and Agriculture by using Material Transfer Agreements for transfer of genetic materials nationally and internationally.

The federal and regional systems were reported to me as having quite major challenges in meeting their mandates and providing good quality tree seed. Most of the challenges are related to human and institutional capacities and lack of equipment, all of which PATSPO is setting out to begin to rectify. I found little evidence that the lack of clear tree seed legislation was preventing progress. The main challenges are in the enabling environment for developing a market for tree seed. Various people informed me that an underlying challenge is that the value chain for tree seed is poorly developed and that tree seed is currently quite cheap. The issues are found in the federal and regional institutions as well as in the private sector and among communities. One particular problem that I was alerted to is that federal agencies are not permitted to retain any income they might receive, but must pass it to central treasury. This prevents, for example, retaining money earned by selling timber obtained when thinning overgrown seed plantations to pay for management. There is very little incentive to invest in improved seed plantation management or to establish seed orchards

Regulations

Tree seed production, collection, processing, storage and distribution have taken place for many years without specific tree seed policy or legislation. The quality of tree seeds available is therefore very low, and all of the institutions I visited that handle trees seed cited poor quality of seed as a major impediment to their markets. The Government of Ethiopia has recently embarked on a process of developing national standards for trees

seeds. The standards were developed under the auspices of the Environmental Standards Authority. They were formulated by a technical committee (TC133) consisting of:

- Environmental Standards Authority
- Ministry of Environment Forests and Climate Change
- Ethiopian Environment and Forest research Institute
- Ethiopian Biodiversity Institute
- Oromiya Forest and Wildlife Enterprise
- Amhara Forest Enterprise
- Eden Field Agri-seed Enterprise
- Amhara National Regional State Plant Seed and other Agricultural Inputs Quality Control and Quarantine Authority
- New Abyssinia Essential Tree Seeds and General Business plc
- Ministry of Agriculture and Natural Resources
- Ethiopian Forest Society

The standards cover isolation of seed sources, seed purity, contamination with other species, contamination with weed seed, insect infested seed, inert matter, germination and moisture content. Some of the requirements in the first batch of standards are alarmingly strict, especially with respect to germination and purity. While it is not unusual for standards to be ignored if too strict, it will be a great shame if the very expensive and energetic process of developing the standards leads to them slipping into disrepute, or worse, paralyzing the seed trade if implemented. The technical committee that is developing the standards is dominated by technocrats, although 4 of the 11 members represent enterprises and might have been expected to lobby for more achievable standards.

Policy and legislation gaps: discussion and recommendations

1. The main policy gap identified is that there is no specific legislation relating to tree seed. Institutions seem to be working to apply informal policies that have been put in place through institutional mandates. While it would be wrong to assume that simply rectifying this omission would lead to greatly improved supply of high quality seed, the omission is likely to lead to the entire subject of tree seed being invisible in policy discussions, and the subsequent lack of focus on and investment in providing high quality tree seed. This is made evident by the lack of or total absence of reference to tree seed in forests policy documents and legislation.

- *Recommendation: discuss with the legal directorate general of MEFCC and the plant health directorate of MoANR the means by which responsibility for ensuring the supply of high quality tree seed is explicitly mandated to MEFCC. This might be achieved through a declaration of the Council of Ministers or equivalent measure.*

2. The new forest proclamation that is under preparation does not specifically mention trees seed for forest planting, but does mention seed for agroforestry: “The Government, in order to introduce agro-forestry practices among the farming, semi-pastoral and pastoral communities, shall provide them with sufficient amount of plant seeds and seedlings of tree species that could have different ^[L]_[SEP] economic benefits”. This could be expanded to include provision of seed for forest planting.

- *Recommendation: Lobby the legal directorate of MEFCC to add to section 19.10/ of the new forest proclamation the following text or equivalent: “Also ensure the supply through state agencies, public/private enterprises and the private sector ^[L]_[SEP] of tree seed in adequate quantity and quality to provide for planned land restoration exercises and general forest planting”.*

3. The current lack of national Ethiopian standards for tree seeds is an impediment to ensuring the supply of high quality seed. The current exercise to establish national standards is therefore welcome, but the unattainably high standards that are being developed are likely to nullify the value of the exercise.

- *Recommendation: approach the MEFCC at state minister level and through its legal directorate general to recommend that the standards that have been prepared should be reviewed through a process of consultation that involves stakeholders who are likely to be affected by the difficult high standards that have been set.*

4. As with all products, there are tree seed value chains in Ethiopia, but their functioning appears haphazard and variable. There are major obstacles to improving the functioning of the public sector because government departments are required to spend money for their operation (for example, managing the production and collection of tree seeds) but are not allowed to keep any funds that they collect. All received moneys must be sent to the central treasury. As this is a government-wide regulation, it would be difficult to make an exception for tree seed transactions. However, of four regional tree seed centres, two operate as public/private enterprises on a commercial basis. It might be possible to expand this model.

- *Recommendation: open discussions with MEFCC and regional authorities on the possibilities of bringing more of the tree seed value chain under private or parastatal-owned commercial enterprises.*

5. Much of the tree seed traded in Ethiopia comes from private and community-owned land and transformed through the private sector. Communities have a major role to play in gathering the seed, but according to the information I have been able to gather, their role is simply to collect seed for private contractors for wages. The new forest act clearly sets out the rights and obligations of communities, and makes it clear that they have the

right to benefit from forest resources, and this would include tree seed. The proclamation also secures the rights of communities to receive technical support until their activities can be made self-sustaining through earned income. Local communities could be empowered to take on a role in identifying, managing and conserving seed sources, collecting seed according to best practices and carrying out the initial stages of seed processing. This should result in more of the benefits of an improved high quality value chain accruing to the communities with the result of making conserving and managing seed sources economically more attractive.

- *Recommendation: convene a small working group of people from organizations involved in strengthening forest communities with a view to exploring the potential to better empower forest communities to benefit from the tree seed value chain.*

6. The above five points outline a number of policy actions that should be taken, but there is no documented case for any policy reform relating to tree seed, and little written to make a case for the need for reform. This should be rectified by producing a document that can be the basis of discussions on changes in tree seed policy.

- *Recommendation: write a policy brief on options for policy reform related to the provision of high quality tree seed.*

Phil Dobie
Revised 15 August 2018

ANNEX I. LIST OF PRINCIPAL PEOPLE MET

Dr Debissa Lemesa, EBI Forestry Directorate
Mr Hailu Atnafu, EBI Tree Seed Regulatory Directorate
Mr Hailu Atnafu, EBI forestry expert
Mr Hailu Niguse, EBI forestry expert
Mr Belachew Hailemariam, ME FCC, policy analyst
Mr Yohannes Jeilu, ME FCC, Policy making expert
Mr Amanuel Isaías, ME FCC
Joanna Venkor, ME FCC lawyer
Mr Amanuel Isaías, ME FCC. Law expert
Ms Abrehet Gebre Hiwot, ME FCC, Director, Forest Development and Management Directorate
Mr Tiruneh Chaka, ME FCC, tree seed supply and distribution senior expert.
Dr Habtemariam Kassa, CIFOR
Wondwossen Gebretsadik (MSc), Director, CEEFRC
Dr. Abioyt Berhanu, Director General, Ethiopian Environment and Forest Research Institute (EEFRI)
Dr. Agena Tanga, Deputy Director, EEFRIKiros Hadgu, ICRAF Country Representative Ethiopia
Soren Moestrup, Senior Team Leader, PATSPO
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